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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/700,950      | 11/20/2000  | Joel A. Dyksterhouse | 405200002USD        | 4817             |

27572 7590 02/13/2003

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| EXAMINER |
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TENTONI, LEO B

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

1732

DATE MAILED: 02/13/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/700,950

Applicant(s)

DYKSTERHOUSE, JOEL A.

Examiner

Leo B. Tentoni

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 52-58 and 62-80 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 52-58 and 62-80 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11. 6) ☐ Other: \_\_\_\_\_

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**DETAILED ACTION**

1. The objection to the disclosure, the rejection of claims 52-58, 74, 79 and 80 under 35 USC § 112, second paragraph, the rejection of claims 52-58, 72, 74 and 78-80 under 35 USC § 102(b) in view of Marzocchi et al (U.S. Patent 3,273,987) and the rejection of claims 62-71 and 73-77 under 35 USC § 103(a) in view of Marzocchi et al (U.S. Patent 3,273,987) are all withdrawn.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 52, 53 and 55-58 are rejected under 35 U.S.C. 102(b) as being anticipated by Clarke et al (U.S. Patent 4,690,836).

Clarke et al (abstract; col. 1, line 25 to col. 6, line 37; Examples) teach a prepreg material including a fibrous reinforcement and a resin composition (impregnating the fibrous reinforcement), wherein the prepreg material has substantially no voids. Although Clarke et al do not teach that the prepreg material is "formed by a step of impregnating a fibrous reinforcement at a first temperature with a molten resin composition, wherein the temperature of the molten resin composition is at least about 75°F(42°C) lower than the first temperature" (from instant claim 52), the prepreg material of

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Clarke et al is the same prepreg material product set forth in the instant claims (i.e., a fibrous reinforcement impregnated with a resin composition, having substantially no voids).

4. Claims 52, 54, 56 and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by Cochran et al (U.S. Patent 5,236,646).

Cochran et al (col. 8, lines 38-60) teach a prepreg material including a fibrous reinforcement and a resin composition (impregnating the fibrous reinforcement), wherein the prepreg material has substantially no voids. Note that the resin compositions of Cochran et al include thermoplastic resins, which are generally applied in a molten state (and not in solution), and the prepreg material of Cochran et al is the same prepreg material product set forth in the instant claims (i.e., a fibrous reinforcement impregnated with a resin composition, having substantially no voids).

5. Claims 72, 74 and 78-80 are rejected under 35 U.S.C. 102(b) as being anticipated by Nose et al (EP 0 393 536 A2).

Nose et al (page 4, line 18 to page 8, line 45; Examples) teach an apparatus for making a reinforced matrix resin composition including a heater, a molten resin composition (in a container) and a compressing unit.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 62-71, 73 and 75-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nose et al (EP 0 393 536 A2).

Nose et al (page 4, line 18, to page 8, line 45 ; Examples) teach an apparatus for impregnating a continuous fiber material as set forth in the instant claims, except for means for applying a tension to the fibrous reinforcing material, which would have been obvious to one of ordinary skill in the art at the time the invention was made in Nose et al principally in order to hold the fibrous reinforcing material taut during impregnation.

#### ***Response to Arguments***

8. Applicant's arguments filed on 23 January 2003 have been fully considered but they are not persuasive.

With respect to the location of the heater in Nose et al (page 6 of the response), the instant claims do not specify (e.g., physically, structurally) the location of the heater and thus, Nose et al meets the presently-claimed limitations.

With respect to the resin temperature in the impregnation chamber (pages 6 and 7 of the response), note at least Example 1 of Nose et al.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo B.

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Tentoni whose telephone number is (703) 308-3834. The examiner can normally be reached on Monday - Friday (6:30 A.M. - 3:00 P.M.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard D. Crispino can be reached on (703) 308-3853. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

*Leo B. Tentoni*

Leo B. Tentoni  
Primary Examiner  
Art Unit 1732

lbt  
February 10, 2003